

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ROBERT JAMES CORNETT,

Plaintiff,

v.

STATE OF MICHIGAN and JOHN DOE,

Defendant.

Case No. 1:23-cv-12361

Honorable Thomas L. Ludington  
United States District Judge

Honorable Patricia T. Morris  
United States Magistrate Judge

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**ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING  
PLAINTIFF’S COMPLAINT WITH PREJUDICE, DENYING DEFENDANT STATE OF  
MICHIGAN’S MOTION TO DISMISS AS MOOT, AND DENYING PLAINTIFF’S FIVE  
MOTIONS TO STRIKE AS MOOT**

This matter is before this Court upon Magistrate Judge Patricia T. Morris’s Report (R&R), ECF No. 10, recommending that this Court *sua sponte* dismiss Plaintiff’s Complaint, ECF No. 1, for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine. *See Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983); *Heck v. Humphrey*, 512 U.S. 477 (1994).

Although the R&R states that Plaintiff could object to and seek review of the R&R within 14 days of service, Plaintiff did not file any objections. Rather, he filed two Motions to strike the R&R,<sup>1</sup> ECF Nos. 12; 18, a Motion to Strike Defendant State of Michigan’s Motion to Dismiss,

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<sup>1</sup> Even if this Court considered the two issues raised in Plaintiff’s Motions to Strike as objections, they are without merit and would be overruled. First, Plaintiff seeks to strike the R&R because he claims he “withheld consent” to the referral of pretrial matters to Judge Morris. ECF No. 12 at PageID.44. But consent is not required for referral of *pretrial* matters. *See* 28 U.S.C. § 636(b). Second, Plaintiff seeks to strike the R&R because he claims its case caption improperly includes “Northern Division.” ECF No. 18 at PageID.101. But this Court is, in fact, part of the Northern Division of the Eastern District of Michigan, thus the caption is proper. *See* 28 U.S.C. § 102(a) (designating Northern and Southern Divisions within the Eastern District). And even if the case caption *did* include a typographical mistake, any such mistake would not change the legal analysis Judge Morris performed nor the outcome of Plaintiff’s case.

ECF No. 19, a Motion to Strike Defendant State of Michigan's Response to his Motion for Summary Judgment, ECF No. 20, and a Motion to Strike two court-generated docket entries relating to service of court-issued documents on Plaintiff, ECF No. 24. He has therefore waived his right to appeal Judge Morris's findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Magistrate Judge Morris's Report and Recommendation, ECF No. 10, is **ADOPTED**.

Further, it is **ORDERED** that Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE**.

Further, it is **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 7, is **DENIED AS MOOT**.

Further, it is **ORDERED** that Plaintiff's Motion for Hearing Date on Motion for Summary Judgment, ECF No. 9, is **DENIED AS MOOT**.

Further, it is **ORDERED** that Defendant State of Michigan's Motion to Dismiss, ECF No. 14, is **DENIED AS MOOT**.

Further, it is **ORDERED** that all five of Plaintiff's Motions to Strike, ECF Nos. 12; 18; 19; 20; 24, are **DENIED AS MOOT**.

**This is a final order and closes the above-captioned case.**

Dated: November 9, 2023

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge